

Group I made up of Claims 1-17 drawn to an algorithm for determining neuronal structure; and

Group II made up of Claims 18-42 drawn to a method for determining the effect of a substance on a neuron.

Applicants elect, with traverse, the subject matter of the claims of Group II, i.e., Claims 18-42, for examination in this application. Applicants respectfully request that the Examiner withdraw, or at the very least modify, the requirement for restriction and provide an action on the merits of the nonelected claims.

Restriction is proper only if the claims are either independent or patentably distinct and the search and examination of the entire application would impose a serious burden on the examiner (MPEP § 803). Applicants respectfully traverse the Restriction Requirement because the Examiner has not provided sufficient reasons to show that such a burden exists. Here, all of applicants' claims are directed either to an algorithm which can be applied to a microscope image to determine neuronal structure (Claims 1-17); or to methods for determining the effect of a substance on a neuron by utilizing the algorithm to examine the image of a treated neuron to analyze neuronal structures (Claims 18-42). Applicants submit that the Examiner, in searching for algorithms useful in examining images to determine neuronal structures as claimed by applicants, would necessarily find art related to the algorithms themselves (the claims of Group I) and methods for using these algorithms to examine the effects of substances on neuronal structures (the claims of Group II). This is

clearly the case as the Examiner has acknowledged in the groupings of applicants' claims that the two groups fall within the same class and subclass.

In addition, the Office Action of July 2, 2002 included objections to the Figures from the Draftsperson. Enclosed herewith are corrected drawings, which applicants respectfully request be substituted for the drawings currently on file in the above application.

With respect to the objections to Figures 1 and 2, namely, that photographs may not be mounted and are poor quality, applicants have attempted to improve the quality of the figures. Please note that Figures 1 and 2 are computer generated based upon digitized data obtained from optical microscopy. No photographs are produced, even by the microscope. The code utilized produces rasterfile representations of the digitized results which are then simply printed on a printer connected to the computer containing the images.

Applicants respectfully submit that all of the claims of the application as presented herein, including the nonelected claims, are in condition for examination on the merits. Early favorable action is earnestly solicited.

Respectfully submitted,



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